

USPTO Customer No. 25280

Case 5424A

REMARKS

Claim 1 was pending in the application. Claim 1 has been amended. Claims 2-19 have been added. Thus, claim 1 in amended form and claims 2-19 are subject to continued examination.

35 U.S.C 101 Double Patenting Rejection

Claim 1 stands provisionally rejected under 35 U.S.C 101 as claiming the same invention as that of claim 1 of co-pending Application No. 10/121,224. Applicants note that Application No. 10/121,224 was issued as US Patent No. 6,703,434 on March 9, 2004. Based upon a review of the claims in that patent it is respectfully submitted that a "same invention" double patenting rejection should not be maintained. Thus, reconsideration and withdrawal of the outstanding double patenting rejection is requested.

Anticipation Rejection

Claim 1 stands rejected under 35 U.S.C. 102(b) as being anticipated by Chen et al. (US 5,891,940). Continued rejection of Claim 1, as amended, on this basis is respectfully traversed and reconsideration is requested at this time.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. In order to meet this standard the identical invention must be shown in as complete detail as is contained in the claim (See, MPEP §2131). Applicant

USPTO Customer No. 25280

Case 5424A

respectfully submits that the cited reference to Chen et al. fails to satisfy this rigorous standard.

In particular, as best understood, Chen et al. fails to disclose a thermoplastic formulation containing 70-75% syndiotactic polypropylene (sPP) that exhibits the claimed Cell II/Cell III content ratio of at least 45/55. Moreover, as best understood, Chen does not provide the clarity levels recited in new independent claim 15.

Applicant respectfully notes that MPEP § 2112 specifically states that the fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic. To establish inherency, the extrinsic evidence must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill.

Conclusion:

For the reasons set forth above, it is respectfully submitted that all claims now stand in condition for allowance.

Should any issues remain after consideration of this Amendment and accompanying Remarks, the Examiner is invited and encouraged to telephone the undersigned in the hope that any such issue may be promptly and satisfactorily resolved.

A request for a two (2) month extension of time accompanies this amendment. To any extent required for acceptance of this paper, an additional extension of time is hereby requested.

In the event that there are additional fees associated with the submission

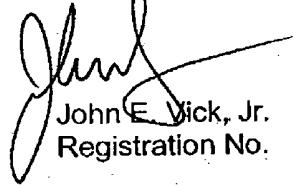
USPTO Customer No. 25280

Case 5424A

of these papers (including extension of time fees), authorization is hereby
provided to withdraw such fees from Deposit Account No. 04-0500.

Respectfully submitted,

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